United States Southern District
Federal Courts
880 Front Street Ste. 4290
San Diego Ca. 92101 - 8900.

FILED
AUG 1 8 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

Hines, James, L.

v.

Federal Agencies A.T.F. D.E.A. F.B.I Inc.
Ventura Parole Dept. - Oxnard Rg. IV
Lt. Mcenroe — 18 U.S.C.A § 3771 (d) (3)
Maureen Pelton — F.R.A.P. 21.5.
Greg Pico — 28 USC § 2254
Eric S. Pierson — '08 CV 1529 WQH AJB
Doctors Jaffe MD Inc.
Michael A. Jaffe
Dr. Leone (French-smith)
Dr. Burton
Dr. Abramson
Dr. Miller Anne - Jaffe
P.3 program Mission Valley San Diego Ca.
Dr. Jarvis MD pHD.
Dr. Williams Concep.
Kern County Internal Affairs
Agents Jones Contreras Negrete.
U.S. Marshall' F.B.I Doug Fisher *
Attorneys: John Perez Chris Chrisarian, Kenneth S.
Countryman p.c. Jason Leonard, Peter Deddah & Assoc.
Special Defendants. Kemp - Cole - Henderson Stewart (Breckenridge)

2254 ✓ 1983
FILING FEE PAID
Yes ___ No ✓
IFP MOTION FILED
Yes ___ No ✓
COPIES SENT TO
Court ✓ ProSe ___

CR

— Cover Sheet —

James Lynn O'Hiori 192807
Box 3400 2 D No South
Florence Az 85232
California Citizen State I.D. card
exp. date 2009 In Arizona.

U.S. District Southern California Federal Courts
880 Front Street Ste 4290
San Diego Ca. 92101 8900.

James Lynn O'Hiori
222 Ginn
El cajon Ca "Southpoint"
92020 calif I.D. exp. date '09

v. 28 USC § 2254

San Diego A.T.F. D.E.A. 18 USCA § 3771 (d) (3)
F.B.I. I.N.S. Agencies
5. USCA § 551 880 Front
Street San Diego Calif 92101-8900.

§ F.R.A.P. 27 8-1 27 8-2 Criminal, I.N.S. §

Previous Applications for the relief sought: 1: Los Angeles Central Federal District Courts: 5/22/08 cv 08 2932 cas (man) 9/19/07 cv 07 6090 cas (man) vs. Ontiveros, Bratton, 7/22/08 cv 08 4798 cas (man) vs. Norwalk Police Station et. al. Board of Immigration Appeals Issues: 1: Petitioner is not detained in the custody of Homeland Security, 2: 42 CFS § 3 1991 is a Native American ½ breed Seminole Inre: "Status".

I-A.#

§ Jurisdiction and Venue §

1 St. Thomas of Aquinis Parishes. United States of America. A wesleyan Baptist influenced form of catholicism St. Johns Lutheran El cajon Ca. * Lancaster, Ca. (Baptist) Hollister Rd. Crestwood, Webster Groves Mo (Baptist) Phoenix Az. pierson street and 15th (Baptist) I-94 at Amhurst East bound San Diego to Arizona (Baptist Lighthouse Church) Golden Hills Mission Hills, Hillcrest parishes under: ssu squad La Mesa. et al. to Glendale Az "Faith Temple" Oct. Green. smith et al - (Henderson - Gaston) eq.

§ Citizenship of principal parties? §

Plaintiff: James Lynn Hines calif I.D. card exp. 2009 222 Gina El cajon ca. 92020. medical - medicaid " 2009 Ventura - Oxnard Parole Dept. Rg. IV (Santa Barbara to San Diego Sheriff Sheffield, Jim, Arpaio, Joe Maricopa county phoenix Az) Los Angeles' area of: Mojave Desert to Arizona to silver city N.M. inre: Atascadero parollee pre - post Az R. crim p. 11 (competent). calif civil code of proc § 2962. Fugitive felony Act Interstate flight 18 USCA § 1073.

Defendant: 5. USCA § 551 San Diego Federal Agencies Alcohol Tobacco Firearms (A.T.F), Drug Enforcement Agency (D.E.A) Federal Bureau of Investigation (F.B.I) Immigration Naturalization Services San Diego Calif to Artesia New Mexico (I.N.S). Respondents as Parole Dept Ventura Oxnard Rg. 4, C.S.D. community services divisions as: Southpoint 90 day Rehab. adjacent to Atascadero State Hosp adjacent to Con Rep. Drs Jarvis, Williams, Leone, * Jaffe M.D.

2-A.

California Conviction on appeal? plaintiff(s) aka of: Malloy, Jackson K86989 San Diego County Superior Courts consolidated to San Luis Obispo County Superior Courts State and civil conviction(s) to subjugate appellant by White force: (Schwarzenegger to Napolitano): Electronic surveillences of audio video television computer as in England Sheriff Jim Sheffield, and Joe Arpaio) Note: Folsom State Prison Escapee to England and A.W.O.L. State Hospital parollee from Folsom to Atascadero to phoenix Az in pursuit of justice from: Ventura - Oxnard Parole Dept. Region (4) Insurance Agents as parole Agents: See:

"Automatism" George Whitecross Paton a textbook of: jurisprudence (prudential Insurance Company, All state, Geico (etc) 315 4th ed 1972. Uniform Commercial code 4-22 at 98 2d ed (1979) RFV Houston Salmund on the Law of Torts 113 17th ed. (1977). Adverse Dominion for:

Petitioner, claimant adverse witness to Reverse - Racial, Religious, Sexual Parish Police Agents esp. Narcotics in "Barnett" A.T.F D.E.A Missouri California Arizona "Network" (See: Bivens v. Six unknown) e.g.# State Hospital Doctors Burton Abramson MD PHD of Jaffe MD Inc Wilshire Blvd. Los Angeles County - City at: 1112 Monterey street w/ officers *Besner and transient 5000 Phoenix police dept CDC cepon * p.o.a. union contract employment w/ * Capt. Ruiz SSU squad from 8054 K. street pre-post F.B.I seizures of plaintiffs property 1985-2010.

3-4.#

Exhaustion of Remedies? Locally under a Civil and State computer custody case No. 07 cv 255 phx JAT (MEA) denied 12-21-07 and ... 6/23/08. U.S. Magistrate Mark E. Aspey and U.S. District Judge James A. Teilborg Religious Oppression and INS issue rulings. for New grounds denied as moot. And San Diego Co. 08 cv 0648 BEN (PCL) Traverse and opposition due 7/31/08 filed and En Banc Rehearing Motion and Memorandum filed. Inre: SRF122463 Battery on a non-prisoner consolidated civil M.O.O. 2462 4th Appellate San Diego District court Appeal No. 0040670 approv 9-20-02 and ... Appeal No. 0052788 approv 5-24-08 and locally San Diego Superior court case No. H.S.C. 10418 Third petition

Selective Prosecution Imminent Dangers

Probation / Parole Report for: controlling custody case. Aggravated Assault A.R.S. 13-1204 F3 by G.J. I case No. CR 2004 1240 MM001 DT / St. Louis Mo reference(s)

On 8/22/88 arrested for A.O.W. at Shoney's Restaurant Maplewood Mo. St. Louis County and San Diego County prosecuting attys: Peter Deddah and Associates ... (eg) San Luis Obispo attorney for the civil M.O.O. prior to phoenix Az. arrest as A.R.S. 13-3842 F.4 A.W.O.L. parolee Christopher Chrisarian pd.

Grounds: 1 Guilty plea (unlawfully induced) involuntary.

2 Conviction(s) violation privilege (self incrimination

3 Conviction(s) violation protection double jeopardy

4-A.# 4. Denial of Right to Appeal (2002-2005)

Continuation on Grounds: (1) Conviction obtained by a plea of Guilty which was unlawfully induced or not made voluntarily with the understanding of the nature of the charge or the consequences of the plea = (amnesia by G. H. B.), sodium, psychotropic medications, for example.

1st the california parole office P-3 program to and from court from prison to county jail contracted parollee by audio-video computer from White fence Narcotic subjugated area of 4000 Blk of Georgia street adjoining employment opportunity family business and juveniles w/ Lt. Mcenroe and Doctors for/of parole dept. accession (accessory before the fact.) aka (accessio).

2nd Conviction obtained by a violation of the privilege against self incrimination. As a deems parollee arrested at the prison hospital from treatment medically and psychiatrically (w/ amnesia) and Hep C+ virus. The right/privilege against self incrimination was violated once Motion to Dismiss w/ Declaration filed by Warden Ontiveros and Judy Groschwitz on: 7/14/08 pg. 2 of San Diego case. 08-0648 BEN (CAB) Lodgement 1 at 4-5 Hines admitted he threw a chair (in handcuffs) which injured officer Plummer (in the hospital). pg 2 of Memorandum and points of authority in support of Motion to dismiss First Amed pet. for Writ of Habeas Corpus.

3rd Convictions obtained by a violation of the protection against double jeopardy. A plea of guilt for the burglary, not the State Hospital 12 week substance abuse program for 2 yrs. 2 months. (eg). post conviction default.

4-B 4th Denied Right to Appeal (Sheriff supervisor obstructions.)

Special Ground(s) Now in phoenix Az Convictions obtained while still a california State parollee by action of a grand jury which was unconstitutionally selected and/or impaneled. under *aka and true identity Hines, James, L., *Malloy, Jackson K86939 for San Diego Co. and San Luis Obispo Co. felony consolidation.

[Petition for Writs of Mandamus
pursuant to 18 USC§ 3771 (d) (3)
Crime Victims Rights Act]

In re: Hines v. Federal Agencies A.T.F. DEA. F.B.I. I.N.S.

Issue: State custody, State parole, Supervisory Capacity is Anarchy for Ulterior Motives of Agents adverse to prisoner as a Witness of double homocide, Medical Legal mal practice(s) by Law & Health %s. Union structured organized.

Rule: Title 8, 18, § 1326, 1329, 1073, 1951. Importation of Illegal Aliens for immoral purposes, Felony Evasion, Interference w/ trade and commerce for: (Doctors Group.) by violence and threats (P-3 program, computer survey

Application: These Rules govern the procedures as cognizable as case at law: Patrick v. Burger "Active supervision" Police Dept. v. Mosley "Equal protection" see: memo pg. 2 # to be construed for speedy determination

Conclusion: All necessary means and measures have been met and presented to the court for discretionary review forthwith in compliance with the rules and regulations for judgement to be rendered. 8/1/08 [signature] pro per

5-N A

Proof of Service of Mailing: 2-4-08 # Rev. May/June 08

Mail the original and one copy of your petition with the $5.00 filing fee or the application to proceed *in forma pauperis* to:

Rev. August 2008 #

Phoenix & Prescott Divisions:	OR	Tucson Division:
U.S. District Court Clerk		U.S. District Court Clerk
U.S. Courthouse, Suite 130		U.S. Courthouse, Suite 1500
401 West Washington Street, SPC 10		405 West Congress Street
Phoenix, Arizona 85003-2119		Tucson, Arizona 85701-5010

7. Change of Address. You must immediately notify the Court and respondents in writing of any change in your mailing address. **Failure to notify the Court of any change in your mailing address may result in the dismissal of your case.**

8. Certificate of Service. You must provide the respondents with a copy of any document you submit to the Court (except the initial petition and application to proceed *in forma pauperis*). Each original document (except the initial petition and application to proceed *in forma pauperis*) must include a certificate of service on the last page of the document stating the date a copy of the document was mailed to the respondents and the address to which it was mailed. Fed. R. Civ. P. 5(a), (d). Any document received by the Court that does not include a certificate of service may be stricken. A certificate of service should be in the following form:

To: U.S. Court of Appeals: P.O. Box 193939 San Francisco Ca 94119-3939

I hereby certify that a copy of the foregoing document was mailed
this Feb, 4, 2008 (month, day, year) to: 2nd: U.S. Dept of Justice
Name: A.C.L.U. Natl. Prison Project   Civil Rights: and:
Address: 733 15th Street N.W. Washington D.C.   Institutionalized Person
Attorney for Respondent(s)   Act "Special Litigation"
propria persona prose
(Signature) James Lynn O'Hines *   202-514-6255 #

9. Amended Petition. If you need to change any of the information in the initial petition, you must file an amended petition. The amended petition must be written on the court-approved form. You may file one amended petition without leave (permission) of Court before any respondent has answered your original petition. See Fed. R. Civ. P. 15(a). After any respondent has filed an answer, you must file a motion for leave to amend and lodge (submit) a proposed amended petition. LRCiv 15.1. An amended petition may not incorporate by reference any part of your prior petition. LRCiv 15.1(a)(2). **Any grounds not included in the amended petition are considered dismissed.**

10. Exhibits. If available, you should attach a copy of all state and federal court written decisions regarding the conviction you are challenging. Do **not** submit any other exhibits with the petition. Instead, you should paraphrase the relevant information in the petition.

To: Edmund G. Brown = 1300 I Street Ste 1740 Sacramento Ca. 95814

11. Letters and Motions. It is generally inappropriate to write a letter to any judge or the staff of any judge. The only appropriate way to communicate with the Court is by filing a written pleading or motion.

To:

Maricopa County Attorney Office	Office of the Attorney General
Andrew P. Thomas (Appeals)	State of Arizona
3131 West Durango Street	1275 West Washington
Phoenix Az 85009.	Phoenix Az 85007-2926
tele # 602 506 3411	tele # 602-542-4686.

(5)

§ Memorandum Legal points, statutes, Authority §
Criminal and Immigration Appeals.

Inre: Hines v. Federal Agencies 5-USCA § 551
A.T.F. D.E.A. F.B.I. I.N.S. 18 USCA § 3771 (d)(3) F.R.A.P. 21-5

(A) Fed. R. of Civil, Crim. and Appellate P.

1. A.T.F. : "Americas Wines", Barnett - Liquor licensed businesses Inre: controlling case: Affirmative Defenses. CR2004-129044 0010T Maricopa County. Phoenix Az. "Henry's Mkts." "Town & Country Wines" "Fat Cats Bar, Kit Kat Klub" phoenix Az. F.R.A.P. 26.1, 11 USCA § 1129.

2. D.E.A. ; Ventura - Oxnard Parole Dept Rg. 4. & C.S.O. Agents w/ Sheriffs Sheffield, Arpaio devlt to Az. Narcotics ssu squad. Labor Dispute Inre: Narcotics %s. 29 USCA § 152 (7) plaintiff/parolee affilliate to Henry's Mkts' AlphaBiotech Firm is defendant(s) for Health Systems Inc. w/ Parole Dept.

3. F.B.I. ; After acquired property * U.C.C. 9-204 UCC 9-104 (e) plaintiff as favored beneficiary: San Luis obispo Wineries Atty. Christopher Chrisarian, John Perze, Kenneth S. Countryman. pc. esq. w/ Jason Leonard & Assoc. w/ Peter Oddah & Assoc. for defendant(s) (Kemp-Cole-Henderson-Stewart) does. F.R.C.P. 5.(e)

4. I.N.S. ; 8. U.S.C.A. §§ 1101 § 1537 (employment Henry's Mkts; private property locations pre-post seizures 3059 K street San Diego (1985)*, 1018 Bompart Ave Webster Groves Mo (1990-2010) Title 8, 18. 1326 § § 1329 § 1073 § 1951 "Aliens Illegal."

(B) Fed. R. of Civil Criminal, & Appellate. P.

Circuit Rule: F.R.A.P. 22-2. Direct Crim. Appeals. First Petition F.R.A.P. 26.1. Corporate Disclosure Statement.
F.R.A.P. 27.8.1. Criminal Cases, 27.8.2 Immigration Petitions
F.R.A.P. Circuit Rule. 30-3. Prisoner Appeals w/out Representation by counsel. F.R.A.P. 44 (a) (b) Federal State statute Const., g.

pg. 2 } Memorandum Legal Cases at Law }

Patrick v. Burgot 486 US 24 100-01 Sct 1658 1663 (1988).

Mosley v. Police Dept. 408 US 92 95 92 Sct 2286 2290 (1972).

August 18, 2008.

pro per J. L. Ellison 197067 #

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

2254 ✓ 1983
FILING FEE PAID
Yes ___ No ✓
IFP MOTION FILED
Yes ___ No ___
COPIES SENT TO
Court ✓ ProSe ✓

FILED
AUG 18 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ___ DEPUTY

I (a) PLAINTIFFS

James L. Hines

DEFENDANTS

ATF, et al

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

James L. Hines
PO Box 3400
Florence, AZ 85232
197067

ATTORNEYS (IF KNOWN)

'08 CV 1529 WQH AJB

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT
(For Diversity Cases Only)

	PT	DEF		PT	DEF
Citizen of This State	☐1	☐1	Incorporated or Principal Place of Business in This State	☐4	☐4
Citizen of Another State	☐2	☐2	Incorporated and Principal Place of Business in Another State	☐5	☐5
Citizen or Subject of a Foreign Country	☐3	☐3	Foreign Nation	☐6	☐6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
	PERSONAL INJURY	PERSONAL INJURY			
☐ 110 Insurance	☐ 310 Airplane	☐ 362 Personal Injury-Medical Malpractice	☐ 610 Agriculture	☐ 422 Appeal 28 USC 158	☐ 400 State Reappointment
☐ Marine	☐ 315 Airplane Product Liability	☐ 365 Personal Injury - Product Liability	☐ 620 Other Food & Drug	☐ 423 Withdrawal 28 USC 157	☐ 410 Antitrust
☐ Miller Act	☐ 320 Assault, Libel & Slander	☐ 368 Asbestos Personal Injury Product Liability	☐ 625 Drug Related Seizure of Property 21 USC881	PROPERTY RIGHTS	☐ 430 Banks and Banking
☐ Negotiable Instrument	☐ 330 Federal Employers' Liability	PERSONAL PROPERTY	☐ 630 Liquor Laws	☐ 820 Copyrights	☐ 450 Commerce/ICC Rates/etc.
☐ 150 Recovery of Overpayment &Enforcement of Judgment	☐ 340 Marine	☐ 370 Other Fraud	☐ 640 RR & Truck	☐ 830 Patent	☐ 460 Deportation
☐ 151 Medicare Act	☐ 345 Marine Product Liability	☐ 371 Truth in Lending	☐ 650 Airline Regs	☐ 840 Trademark	☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)	☐ 350 Motor Vehicle	☐ 380 Other Personal Property Damage	☐ 660 Occupational Safety/Health	SOCIAL SECURITY	☐ 810 Selective Service
☐ 153Recovery of Overpayment of Veterans Benefits	☐ 355 Motor Vehicle Product Liability	☐ 385 Property Damage Product Liability	☐ 690 Other	☐ 861 HIA (13958)	☐ 850 Securities/Commodities Exchange
☐ 160 Stockholders Suits	☐ 360 Other Personal Injury		LABOR	☐ 862 Black Lung (923)	☐ 875 Customer Challenge 12 USC
☐ Other Contract			☐ 710Fair Labor Standards Act	☐ 863 DIWC/DIWW (405(g))	☐ 891 Agricultural Acts
☐ 195 Contract Product Liability			720 Labor/Mgmt. Relations	☐ 864 SSID Title XVI	☐ 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	☐ 730 Labor/Mgmt. Reporting & Disclosure Act	☐ 865 RSI (405(g))	☐ 893 Environmental Matters
☐ 210 Land Condemnation	☐ 441 Voting	☐ 510 Motions to Vacate Sentence Habeas Corpus	☐ 740 Railway Labor Act	FEDERAL TAX SUITS	☐ 894 Energy Allocation Act
☐ 220 Foreclosure	☐ 442 Employment	☒ 530 General	☐ 790 Other Labor Litigation	☐ 870 Taxes (U.S. Plaintiff or Defendant)	☐ 895 Freedom of Information Act
☐ 230 Rent Lease & Ejectmant	☐ 443 Housing/Accommodations	☐ 535 Death Penalty	☐ 791 Empl. Ret. Inc.	☐ 871 IRS - Third Party 26 USC 7609	☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 240 Tort to Land	☐ 444 Welfare	☐ 540 Mandamus & Other	☐ Security Act		☐ 950 Constitutionality of State
☐ 245 Tort Product Liability	☐ 440 Other Civil Rights	☐ 550 Civil Rights			☐ 890 Other Statutory Actions
☐ 290 All Other Real Property					

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appelate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23 DEMAND $ Check YES only if demanded in complaint: JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE Docket Number

DATE 8/18/2008

~~SIGNATURE OF ATTORNEY OF RECORD~~

R.Mullen

OR